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Filed : November 21, 1997

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A
a tubular irrigation assembly, said assembly having an outlet for fluid received from the fluid line, the irrigation assembly having a limiter disposed on said tube at a preset distance from the irrigation tip to prevent a user from inserting the tip more than said preset distance into a body cavity, the limiter comprising a ring having a plane that is parallel to the tube; and
a base plate having an upper and lower surface, a rear end and a front end, and ports to receive and secure the fluid line and the irrigation assembly, at least one of said ports being located at said front end.

REMARKS

The Examiner required a restriction of Claims 1-26 under 35 U.S.C. § 121 and withdrew Claims 10-12, 14, 15, 17, and 19-26 from consideration under 37 CFR 1.142(b). The Examiner rejected Claims 1, 3, 5 and 18 under 35 U.S.C. § 112 ¶ 2, rejected Claims 1-7 as anticipated, and rejected Claims 8, 9, 16 and 18 as obvious. Claim 13 was objected to as being dependent upon a rejected base claim, but otherwise allowable. It is unclear if Claim 6 was also indicated as allowable if rewritten. By this amendment Claims 19-26 are deleted, prior Claim 13 is rewritten as new Claim 39, and new Claims 27-39 are added. Thus, Claims 1-18 and 27-39 are pending. Reconsideration and allowance of the claims as amended are respectfully requested.

ABSTRACT

An amended abstract has been provided as required by the Examiner.

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SPECIFICATION & DRAWINGS

The specification has been amended on page 6, line 29, to more clearly define the groove, and on page 7, line 13, to clarify the connection of the U-shaped portion to an end portion of the rectal assembly.

The Examiner objected to the drawings under 1.83 as not showing the connections between the tip 38, the U-shaped portion 52 and the connecting portion 50. The drawings show these parts formed from a single piece of tubing. Further, the parts are simple tubular shapes, and the connection of tubes is well known. The drawings are believed to already show any structural detail essential for a proper understanding of the invention.

RESTRICTION UNDER 35 U.S.C. § 121:

In response to the restriction requirement Claims 19-26 are deleted. In response to the species restriction requirement as to the shape of the irrigation tip, applicant provisionally elected group I and Species IV, claims 1-9, 13, 16 and 18. Generic claims are now believed allowable, and the species restriction is requested to be withdrawn.

REJECTION OF CLAIMS 1, 3, 5 & 18 UNDER 35 U.S.C. § 112 ¶ 2

Claim 1 was viewed as unclear as to how many ports receive and secure the fluid line and the irrigating assembly. Claim 1 is amended to further define first and second ports in the base plate, one to receive and secure the fluid line and one to receive and secure the irrigation assembly to provide fluid to the irrigation assembly.

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Claim 3 is amended to clarify that the groove has a generally circular cross section rather than annular.

Claim 5 is amended to clarify that a tube is inserted into the groove.

Claim 18 is amended to remove "providing."

In view of the foregoing, applicant respectfully requests that the rejection under 35 U.S.C. § 112 be withdrawn upon reconsideration.

REJECTION OF CLAIMS 1-7 UNDER 35 U.S.C. § 102(b):

The Examiner rejected Claims 1-7 as anticipated under 35 U.S.C. § 102(b) by Anderson. Anderson discloses a sitz bath for use with a hand held bidet. The sitz bath includes a circular rim configured to be placed on the upper rim of a toilet bowl. In use, the toilet seat is raised. Col. 1:42-43 ("for support on the upper rim of a toilet bowl with the seat up"); Col. 5:18-19 ("with the seat raised"). The sitz bath itself forms a seat.

Claim 1 is amended to further define the base plate as being sized to have at least a portion fit between the toilet seat and the toilet bowl **when the seat rests against the bowl**. This is contrary to Anderson which requires the seat to remain raised, and which has a seat that cannot rest against the bowl even if lowered because of the large sitz bath that covers the toilet bowl.

Claim 1 is also amended to define the features of prior dependent Claim 9. Claim 1 now defines a limiter a preset distance from the irrigation tip to prevent a user from inserting

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the tip more than said preset distance into a body cavity. The limiter extends in a plane along the length of the tube. Anderson lacks that feature, so the anticipation rejection is improper.

Prior Claim 9, which defined the limiter more broadly, was rejected as obvious over Anderson in view of Spicher and Akzo. Akzo shows a circular flange to limit insertion of a hand held applicator for vaginal cream. But Claim 1 further defines the limiter as located along a plane containing a longitudinal axis of tube whereas Akzo is perpendicular to that axis. Thus, even if combinable, the proffered combination of Anderson/Spicher/Akzo does not render Claim 1 obvious.

Further, Akzo uses the circular flange in an applicator where fluid is not anticipated to regularly be expelled from the body cavity. In contrast, the invention envisions regular fluid inflow to and outflow from the body cavity. The circular flange of Akzo will splash the outflowing fluid onto the user and surrounding toilet, creating a mess. By placing the limiting stop along the defined plane, the blockage of expelled fluid is reduced, the resulting mess is avoided, while fluid outflow is allowed. Thus, Akzo does not teach or suggest the limiter defined in the claims.

Claims 2-7 define details of the toilet attachment and are dependent from Claim 1 which is believed to be allowable.

In view of the above clarification, the rejection of Claims 1-7 is requested to be reconsidered, and withdrawn.

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REJECTION OF CLAIMS 8 & 18 UNDER 35 U.S.C. § 103(a):

Dependent Claim 8 adds to Claim 1 the requirement of a U-shaped irrigation tube. Claim 8 is believed allowable as it depends from Claim 1, for the reasons discussed above.

Independent Claim 18 defines an irrigation tip with at least one portion that changes the direction of the fluid flow by at least 90°.

The Examiner rejected Claim 18 as obvious over Anderson in view of Spicher. Claim 18 defines the steps of furnishing the irrigation tip with at least one portion that changes the direction of the fluid flow by at least 90°. Spicher is cited because it shows a bend in its tube which would change the fluid flow by at least 90°.

But Claim 18 also defines locating that one portion that changes direction so that it acts as an insertion limit. This is achieved locating it a predetermined distance from a distal end of the irrigation tip in order to limit insertion of the tip into a user's body cavity. Spicher does not show or suggest that aspect. Indeed, the bend in Spicher is located well below the toilet seat and inside the bowl so that the bend cannot act as an insertion limit. Moreover, the bent tube is made of rigid metal, and Spicher expressly requires that "this upturned end of the tube not extend high enough to actually touch the patient." Pg. 2, Col. 1:7-10. Thus, even if combinable, the claimed combination is not met. The rejection of Claim 18 is requested to be reconsidered and withdrawn.

As the Examiner has not provided any motivation for arriving at this limit insertion feature, it is difficult to see how Spicher's teachings against the claimed modification can be avoided. But it seems unlikely to combine a sitz bath with a movable, hand held bidet hose

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and combine it with a rigidly fixed enema irrigator having a rigid tube made of copper that is required to terminate without touching the patient. Pg. 2, Col. 1:7-10; Pg. 1, Col.2:54-55. The Examiner is urged to avoid the insidious temptation of using hindsight to search for isolated features in references and then recreate the claimed combination.

REJECTION OF CLAIMS 9 & 16 UNDER 35 U.S.C. § 103(a):

Claims 9 and 16 further define the insertion limit. Claim 9 is discussed above as its features are incorporated in to Claim 1.

Claim 16 is further amended to define the means disposed on the assembly for preventing insertion of the irrigation tip into a user's body cavity, as "extending from the irrigation tip along a plane containing the longitudinal axis." As discussed above in Claim 1 regarding Akzo, this orientation and configuration is not taught or suggested by the circular flange used in Akzo. Thus, reconsideration and withdrawal of the rejection of Claim 16 is respectfully requested.

NEW CLAIMS

New Claims 27-39 are added. Claim 39 is Claim 13 rewritten to incorporate its intervening and base claims, as that combination was deemed allowable by the Examiner.

New independent Claims 27 and 36 each define the limiter and other features discussed above. The claims are believed allowable, and such allowance is respectfully requested.

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CONCLUSION:

The claims are believed to be in condition for allowance and such allowance is respectfully requested. If the Examiner disagrees in any way, the Examiner is encouraged to call the undersigned to arrange a phone interview to resolve the Examiner's concerns or to resolve any difficulties with the claim language.

Respectfully submitted,

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